



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

Southeast District Office
400 N. Congress Avenue, 3rd Floor
West Palm Beach, FL 33401
561-681-6600

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

June 23, 2014

VIA ELECTRONIC MAIL: Chris_Kelly@pantropic.com

Chris L. Kelly, Director and General Service Manager
Pantropic Power, Inc.
8205 NW 58th Street
Miami, FL 33166

Re: Settlement of Department of Environmental Protection vs. Pantropic Power, Inc.
OGC File No.: 14-0257
EPA ID#: FLD982091787

Dear Mr. Kelly:

Enclosed for your implementation is a copy of the fully executed and filed Consent Order in the above styled case. Please familiarize yourself with the compliance dates and terms of the Consent Order so the complete and timely performance of those obligations is accomplished.

Thank you for your cooperation in this matter. If you have any questions concerning this matter, please contact Roger Carman at 561/681-6720.

Sincerely,

6/23/14

for Jill S. Creech, P.E.
Southeast District Director

Date

Cc: Electronic Archboard/OCULUS
Lea Crandall, OGC, DEP Tallahassee (MS#35)
Shirley Richards, SED



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

Southeast District Office
400 N. Congress Avenue, 3rd Floor
West Palm Beach, FL 33401-2913
561-681-6600

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

May 19, 2014

VIA ELECTRONIC MAIL: Chris_Kelly@pantropic.com

Christopher L. Kelly, Director and General Service Manager
8205 NW 58th Street
Doral, FL 33166-3406

SUBJECT: Department of Environmental Protection v. Pantropic Power, Inc. ("Respondent")
EPA ID No.: FLD982091787
OGC File No.: 14-0257

Mr. Kelly:

The State of Florida Department of Environmental Protection ("Department") finds that Pantropic Power, Inc. ("Respondent") was in violation of the rules and statutes cited in the attached Warning Letter. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described in the Warning Letter, the Department is seeking \$3,500.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$4,000.00. The civil penalty in this matter originally included one violation of \$2,000.00 or more.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Florida Department of Environmental Protection, Southeast District Office, 400 N. Congress Avenue, 3rd Floor, West Palm Beach, FL 33401 by May 23, 2014. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute

OK

a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Christopher L. Kelly:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violations referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$4,000.00 in full by July 1, 2014.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund." Online payments can be made by going to the DEP Business Portal at:
<http://www.fldeportal.com/go/pay/>

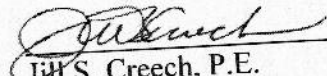
The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

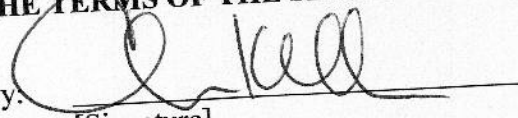
If you have any questions, please contact Roger Carman at 561-681-6720 or at Roger.Carman@dep.state.fl.us.

Sincerely,


J. S. Creech, P.E.
Southeast District Director

FOR THE RESPONDENT
Pantropic Power, Inc.:

I, Christopher L Kelly on behalf of Pantropic Power Inc [Type or Print Name], **HEREBY ACCEPT**
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: 
[Signature]

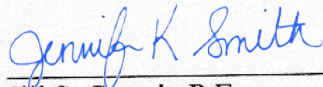
Date: 6-13-2014

Title: General Service Manager
[Type or Print]

FOR DEPARTMENT USE ONLY

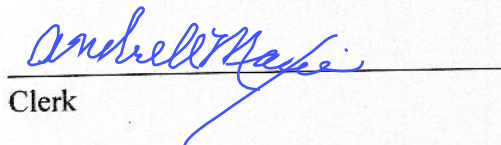
DONE AND ORDERED this 23rd day of June, 2014, in Palm Beach
County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jill S. Creech, P.E.
Southeast District Director

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.


Clerk

June 23, 2014
Date

Attachments: Notice of Rights
 Warning Letter # WL13-0016HW13SED

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)
Electronic Archboard/Oculus
Stuart Barks, OCG, Stuart.Barks@dep.state.fl.us

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.